

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Corey Jawan Robinson, # 294233,)	C/A No. 5:12-502-JMC-KDW
)	
Plaintiff,)	
)	
v.)	
)	
Cpt. T. Clark; Ms. D. Bailey, Classification; Lt. J.)	
Williams; Officer S. Mosher; Sgt. J. Aranda;)	REPORT AND RECOMENDATION
Lolita M. Lee; Sherisse D. Birch; Loretta Aiken;)	
Warden Wayne McCabe; IGC B. J. Thomas;)	
Ofc. J. Middleton; Ofc. Jeremy Johnson;)	
Nurse Luanne Mauney; Nurse J. Scott;)	
Ann Hallman; Ofc. Tabitha Ford; Ms. S. Jones;)	
Cpt. William Brightharp; Major Thierry Nettles;)	
Assoc. Warden Fred Thompson; and)	
Cpt. Ann Sheppard,)	
)	
Defendants.)	
)	

Plaintiff, an inmate proceeding pro se, filed this 42 U.S.C. § 1983 action alleging that Defendants violated his constitutional rights. This matter is before the court on Plaintiff's Motion for Partial Summary Judgment filed on July 9, 2012. ECF No. 85. Defendants filed a response in opposition to Plaintiff's motion on July 23, 2012. ECF No. 87. This case was referred to the undersigned United States Magistrate Judge for all pretrial proceedings pursuant to the provisions of 28 U.S.C. § 636(b)(1)(A) and (B) and Local Rule 73.02(B)(2)(d) and (e), D.S.C. Because Plaintiff's Motion for Partial Summary Judgment is dispositive, a Report and Recommendation is entered for the court's review.

The undersigned has thoroughly reviewed Plaintiff's motion and accompanying exhibits, along with Defendants' brief in opposition, and finds that Plaintiff has not met his burden under Fed. R. Civ. P. 56 to show that no genuine issues of fact remain. While

Plaintiff's evidence may be sufficient to demonstrate that triable issues of fact exist for trial, they do not eliminate all doubt as to Defendants' liability, as is required to grant judgment in Plaintiff's favor on his pending motion. However, the court will consider Plaintiff's motion and exhibits in deciding Defendants' pending Motion to Dismiss and Motion for Summary Judgment, ECF Nos. 148, 149, along with any response Plaintiff chooses to make in opposition to these motions. Summary judgment, partial or otherwise, however, cannot be granted to Plaintiff on the record before the Court.

Accordingly, the undersigned recommends that the Plaintiff's Motion for Partial Summary Judgment, ECF No. 85, be denied.

IT IS SO RECOMMENDED.

A handwritten signature in black ink, reading "Kaymani D. West". The signature is fluid and cursive, with the first name "Kaymani" being more prominent and the last name "West" following in a similar style.

January 7, 2013
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge